

## REMARKS

Claims 577-600 were previously pending. Claims 577, 583, 590, 595, 596, 599 and 600 are amended herein. Claims 577-600 are pending in the present application. In view of the following remarks, the Applicant respectfully requests reconsideration of the rejections and allowance of the application.

### **Rejections under 35 U.S.C. § 112**

Claims 577-600 were rejected under 35 U.S.C. § 112 for allegedly failing to comply with the enablement requirement. The Examiner states his belief that the claimed feature of “outputting the media stream media data...based on the time differential and source-clock information” does not reasonably provide enablement for “outputting the media stream media data...based on the time differential determined based on the source-clock information” when the source-clock information is within the media stream.

The Applicant respectfully traverses the rejection. The Examiner seems to incorrectly infer a limitation that the source-clock information must originate from the same stream as the media data. The Applicant disagrees with this characterization. Figure 2 of the present application (*Instant Application*) shows that each slave device may receive media data (e.g., “AUD+PBTIME INFO”) and source-clock information (e.g., “AICD CLK INFO”) in a streamed format. Furthermore, the examiner seems to assert that SNTP is the means by which a clock differential between the source clock and the receiver clock, is determined. However, SNTP is used in merely the exemplary embodiment, and the *Instant Application* is not limited to use of SNTP to determine the clock differential. See the *Instant Application* at page 16, second paragraph, and Figure 2. Applicant

therefore asserts that the Examiner's rejections of independent claims 577, 590, and 600 under 35 U.S.C. § 112, and all claims that depend therefrom, are overcome.

### **Rejections under 35 U.S.C. § 103**

The Examiner asserts that claims 577, 586-587, 589-591, 594-595, 597-598, and 600 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,324,857 (*Goddard*) in view of "Precision Synchronization of Computer Network Clocks" (*Mills*). *Office Action*, 6. The Applicant respectfully disagrees with the rejection for at least the reasons discussed below.

*The cited references fail to disclose a source device that is configured to transmit a media stream, wherein the media stream comprises source-clock information related to an independent clock associated with the source device and media data.*

***Goddard* and *Mills* fail to disclose a source device configured to transmit a "media stream" comprising "source-clock information related to an independent clock associated with the source device" and "media data" as set forth in independent claim 577 (emphasis added).** *Goddard* describes synchronizing the playback of the audio from two or more audio receivers. *Goddard* uses control codes embedded in a multicast multimedia stream to cause specific receiving devices to emit audio patterns which can then be detected by a microphone connected to the source of the multimedia stream. *Goddard* at col. 3, lines 1-13. The control code is seemingly processed by the audio receivers to generate an audio pattern. *Goddard* at col. 3, lines 59-61. The audio patterns may or may not be audible to the human ear. The source may then determine the total latency from sending to playback. The source may then send command packets to each playback device to determine how much additional latency it

needs to introduce into the playback stream to achieve synchronization. *Goddard* at col. 3, lines 1-13.

*Mills* discloses a mechanism for synchronizing computer clocks over the Internet. *Mills*, Abstract. A Network Time Protocol (NTP) requires a server to send a time-stamped message to subnet peers via Internet topology. Each subnet peer receives and returns the message via the topology comprising the Internet, wherein the messages include a time stamp added by the subnet peer. One of the subnets is designated as providing the most accurate time based on interval intersections and clustering and likelihood principles. *Mills*, § 2, p. 2-3.

*Goddard* does not disclose a source device that transmits a "media stream" which includes both "source clock information" related to a source device independent clock and "media data" as recited in claim 577. *Goddard* discloses a multimedia stream having control codes embedded therein to cause specific receiving devices to emit audio patterns which can then be detected by a microphone. There is no disclosure in *Goddard* that the "control codes" include any "source-clock information" as claimed in claim 577.

*Mills* does not cure the deficiencies of *Goddard* with respect to a media stream which includes both "source clock information" related to a source device independent clock and "media data." *Mills* discloses transmitting "messages" between a server and subnet; the "messages" are to identify a subnet suitable to provide an accurate time over the topology of the Internet. There is no disclosure in *Mills* that Internet-based messages between a server and a subnet include "media data."

**Combining the systems of *Goddard* and *Mills* would not make the subject matter of claim 577 obvious.** The Examiner asserts, without further explanation, that "it would have been obvious to one of ordinary skill in the art

at the time the invention was made to utilize the teachings of Mills for having the clients pull clock information required for clock synchronization. The teachings of Mills, when implemented in the Goddard system, will allow one of ordinary skill in the art to have playback devices pull NTP information from the source.” *Office Action*, 6. The Applicant believes that this statement by the Examiner is a prohibited conclusion in that it is unsupported by any reasoning. “[R]ejections on obviousness cannot be sustained by mere conclusory statements”; “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 550 USPQ2d 1385, 1396 (2007). The Examiner has failed to demonstrate a rational underpinning to support the legal conclusion of obviousness. There is no teaching or even a suggestion in the cited art to combine *Goddard* and *Mills*. The fact that a combination of references *might* improve a system (assuming such a combination even worked) in no way evidences that the combination is obvious and proper. Further, the Examiner is impermissibly using hindsight. The mere assertion that combining references with a feature from another reference *might* produce something desirable in no way means that the combination is *obvious*.

In fact, if one were to combine *Goddard* with *Mills*, the technology defined by claim 577 would not be obtained. *Goddard* discloses using control codes embedded in a multicast multimedia stream to cause specific receiving devices to emit audio patterns which can then be detected by a microphone connected to the source of the multimedia stream. *Mills* discloses transmitting messages between a server and subnet to determine which subnet provides an accurate time over the Internet. The combination of *Goddard* and *Mills* would result in transmitting messages in multimedia stream that emit audio patterns which can be detected by a microphone connected to the source of the multimedia stream.

Such a system would not be able to, for example, synchronize playback devices in separate rooms, where the audio patterns would not be received by the source device. The combination of *Goddard* and *Mills* furthermore fails to teach that a “media stream” includes any “source-clock information” and “media data” as claimed in claim 577.

The Applicant has provided evidence that the combination of the cited references fail to disclose all of the elements claimed in independent claim 577. Therefore, claim 577 is patentable over the cited references.

Independent claims 590 and 600 include similar patentable elements to those of independent claim 577 and are likewise patentable for at least the same reasons. Furthermore, as a dependent claim incorporates by reference all the limitations of the claim from which it depends (see 35 U.S.C. § 112 ¶ 4), claims 586-587, 589, 591, 594-595, 597 and 598 are patentable for at least the same reasons as the independent claim from which they depend.

The Examiner asserts that claims 580-583, 592, and 596 are rejected under 35 U.S.C. § 103(a) as being unpatentable over “A Multimedia Synchronization Protocol for Multicast Groups” (*Benslimane*) in view of *Mill. Office Action*, 7. The Examiner further asserts that claims 578, 579, 591, and 599 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Goddard* in view of *Mills*, and further in view of Official Notices (*Office Action*, 8) and that claims 584 and 593 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Goddard* in view of *Mills*, and further in view of U.S. Pub. No. 2004/0203378 (*Powers*). *Office Action*, 9. Claim 585 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over *Goddard* in view of *Mills* and *Goddard* in further view of *Benslimane*. The Applicant respectfully traverses these rejections. As a dependent claim incorporates by reference all the limitations of the claim from which it depends

(see 35 U.S.C. § 112 ¶ 4), claims 578- 585, 591-593, 596, and 599 are patentable for at least the same reasons as the independent claim from which they depend.

## CONCLUSION

The rejection of claims 577-600 under 35 U.S.C. § 103(a) is overcome because the cited references, in combination and separately, fail to disclose each and every claimed element.

A Request for Continued Examination and any extension fees required for submitting the present response up to the current date are included herewith this Response. The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-0600 for any matter in connection with this response, including any fee for extension of time, which may be required.

Based on the foregoing remarks, the Applicant believes the rejections to the claims have been overcome, and that the present application is in condition for allowance. The Examiner is invited to contact the Applicant's undersigned representative with any questions concerning this matter.

Respectfully submitted,  
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